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October 8, 1954

Attorney General

Richard C. Duncan, Esq.,
Assistant Attorney General

Liability of support of step-
children by stepfather

James J. Barry, Commissioner,
Welfare Department

Dear Mr. Barry:

You have inquired by your letter of October 7, 1954, whether a stepfather who has assumed full responsibility for his stepchildren since April 22, 1950 can now be relieved of such responsibility in view of the provisions of R.L. c. 126, s. 9, as amended by c. 139, s. 5, Laws of 1951. It is my opinion that the amendment would not have any effect so as to change the liability in the specific case you mention.

The material change to said section 9 was the addition at the end of the section of the sentence, "The words 'stepfather' or 'stepmother' as used herein shall only apply to a person who has assumed the relation of a parent to his minor stepchild." This condition would seem to be clearly present in the specific case you mention.

The other condition necessary to impose liability is found in the section both before and after the amendment. That is, that the "weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and health".

Thus, at the present time, for a stepfather to be held liable he must have assumed the relation of parent and have a weekly income or other resources as above mentioned. Once having assumed the relation of parent, the stepfather has the same liability as any of the other relatives enumerated in said section 9.

I would like to point out that section 9 provides for the recovery of assistance, and section 9-a, as inserted by c. 138, s. 6, Laws of 1951, provides for orders looking to the future. Attention is also called to R.L. c. 124, s. 18, also enumerates that a stepfather is liable for support.

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Very truly yours,

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Richard C. Duncan
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